

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ROBERT WAYNE ANNABEL, II, #414234,

Plaintiff,

File no: 1:19-cv-199

v.

HON. ROBERT J. JONKER

JOSEPH NOVAK, et al.,

Defendants.

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**ORDER APPROVING MAGISTRATE'S  
REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation filed by the United States Magistrate Judge in this action on September 7, 2021 (ECF No. 117). The Report and Recommendation was duly served on defendants. The Report and Recommendation was mailed to plaintiff twice at the address plaintiff provided in his change of address notification of July 21, 2021 (ECF No. 113). Both times, the envelope was returned to the Court with the notation, "Return to Sender. Not Deliverable as Addressed. Unable to Forward." The Clerk of Court attempted to contact plaintiff at the phone number listed on his change of address notification, but it was reported to be an incorrect phone number. No objections have been filed under 28 U.S.C. § 636(b)(1)(C).

**ACCORDINGLY, IT IS ORDERED** that the Report and Recommendation of the Magistrate Judge (ECF No. 117) is approved and adopted as the opinion of the Court.

**IT IS FURTHER ORDERED** that defendants' motion for summary judgment (ECF No. 100) is **GRANTED**.

**IT IS FURTHER ORDERED** that plaintiff's motion for summary judgment (ECF No. 103) is **DENIED**.

**IT IS FURTHER ORDERED** that this matter is **TERMINATED**.

**IT IS FURTHER ORDERED** that Plaintiff is denied a certificate of appealability.

The Court discerns no good-faith basis for appeal of this matter. *See McGore v. Wigglesworth*, 114 F.3d 601, 611 (6<sup>th</sup> Cir. 1997); 28 U.S.C. § 1915(a)(3).

Dated: September 28, 2021

/s/ Robert J. Jonker  
ROBERT J. JONKER  
CHIEF UNITED STATES DISTRICT JUDGE